

REMARKS/ARGUMENTS

Applicants request the Examiner to reconsider this application in view of the amendments and the following remarks. Claims 1-44 are pending examination.

Claims 1-44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Itou (U.S. Pat. 6,439,998) in view of Nakatani et al (U.S. 5,720,663) and Komoto (U.S. Pat. 6,273,814).

Claim 1 recites, *inter alia*, "one or more second storage locations for storing one or more operation timing patterns indicative of player timings to be input in association with each enemy" and "input pattern changing programmed logic circuitry for displaying, when the battle scene is displayed, an input pattern and changing a displaying manner of said input pattern on the basis of one of the one or more operation timing patterns associated with the enemy appearing in said battle scene stored in said one or more second storage locations." Independent claims 14 and 25 recite similar limitations

The Examiner alleges that Itou teaches both "a timing pattern indicative of player timings to be input in association with each enemy" and "changing a displaying manner of a [player] input pattern on the basis of one or more operation timing patterns associated with an enemy appearing in a battle scene."

Itou does teach storing a wait time with respect to an enemy character. (col. 6, lines 49-51). But a wait time is not a timing pattern as claimed. There is nothing in Itou to teach or suggest that a wait time is related to a pattern. It is simply a countdown timer associated with the enemy, showing how long until the enemy attacks (Applicant

notes that the enemy attack is not taught to be controlled by player input, thus any wait time associated with the enemy could not be considered an input pattern regardless).

Even if a wait time is considered a pattern, claim 1 further requires that the player's displayed input pattern be changed in accordance with the operation timing pattern associated with the enemy. There is nothing in Itou that teaches or suggests that the player's timer (which, under the Examiner's proposed construction, would be the pattern indicative of player timings to be input) is affected in any fashion by the timer associated with the enemy (i.e. the timer that is stored with respect to the enemy). Thus, Itou does not teach or suggest "input pattern changing programmed logic circuitry for displaying, when the battle scene is displayed, an input pattern and changing a displaying manner of said input pattern on the basis of one of the one or more operation timing patterns associated with the enemy appearing in said battle scene stored in said one or more second storage locations."

In Itou, the player's timer remains the same regardless of what enemy the player is fighting. The enemy timer (i.e. the timer stored with respect to the enemy) has no effect on "player timings to be input in association with [the] enemy." Even if the player fought an enemy with, for example, the ability to slow a player down, this would be affecting the player's timer based on some enemy ability, not based on a timing pattern associated with that enemy.

For at least these reasons, independent claims 1, 14 and 25 should be allowable. Claims 2-13, 15-24, and 26-35 should be allowable based at least on their dependency from allowable independent claims.

Claim 36 recites, *inter alia*, “one or more second storage locations for storing in association with said each enemy background music that renders one or more operation timing patterns presenting to a player timing patterns to be operated in a rhythm pattern” and “changing value calculating programmed logic circuitry for calculating a changing value for changing the parameter of the enemy depending upon a degree of coincidence between the operation timing of said player at a time of being detected by said operation detecting programmed logic circuitry and the timing of the rhythm pattern of said background music corresponding to that time.” Independent claims 38, 43 and 44 contain similar recitations.

According to the Examiner, Itou teaches “one or more second storage locations for storing in association with said each enemy background music that renders one or more operation timing patterns presenting to a player timing patterns to be operated in a rhythm pattern” at Col. 6, lines 24-30. All Itou teaches at the cited portion, however, is that relevant data for executing processes is stored and audio data is stored. There is no teaching or suggestion, in this portion or other portions of Itou, that there is: a) background music associated with each enemy; or b) that the music renders one or more operation timing patterns, presenting to a player timing patterns to be operated in a rhythm pattern. There is simply no correlation taught in Itou between the background music and any operation input or input pattern.

Further, the Examiner alleges that Itou teaches “changing value calculating programmed logic circuitry for calculating a changing value for changing the parameter of the enemy depending upon a degree of coincidence between the operation timing of said player at a time of being detected by said operation detecting programmed logic

circuitry and the timing of the rhythm pattern of said background music corresponding to that time” at column 10, lines 44-51. At the cited portion, Itou teaches that the counter for each battle participant is ticked down by an incremental amount for one battle period. If the counter reaches 0, the participant is given the option to input an action. Neither in this portion, nor elsewhere, does Itou teach any calculation depending on a timing of any aspect of background music, let alone a timing depending upon a degree of coincidence between the detected operation timing and the timing of the rhythm of the background music.

Neither Nakatani or Komoto makes up for these deficiencies of Itou.

For at least the above reasons, claims 36, 38, 43 and 44 should be allowable. Claims 37 and 39-42 should be allowable based at least on their dependency from allowable independent claims.

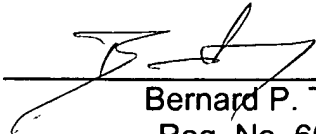
All outstanding issues have been addressed. Should any issues remain outstanding, the Examiner should contact the undersigned at the telephone number listed below so they can be resolved expeditiously without need of a further written action.

ITOI et al.
Appl. No. 10/829,393
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Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



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